UNITED STATES DEPARTMENT OF INTERIOR
BUREAU OF LAND MANAGEMENT
SALEM DISTRICT OFFICE

ENVIRONMENTAL ASSESSMENT AMENDMENT AND DECISION RATIONALE

DUFFY CREEK THINNING
ENVIRONMENTAL ASSESSMENT No. OR080-1999-10

I have reviewed the proposal and alternatives for the accomplishment of the *Duffy Creek Thinning*, a portion of the Fiscal Year 2000 timber sale program for the Marys Peak Resource Area. The affected environment, proposed action and potential environmental consequences of the timber sale and associated activities are described in the *Duffy Creek Environmental Assessment* dated December 16, 1999 and the attached environmental assessment (EA) amendment. The EA and Finding of No Significant Impact were made available for public review from December 17, 1999 to January 17, 2000.

Programmatic documents covering this proposal are the:

*Plan Maintenance Documentation: Decision to Delay the Effective date for Surveying 7 "Survey and Manage" and Protection Buffer Species (*March 8, 2000*)*

Salem District Record of Decision and Resource Management Plan (RMP, May 1995)

Record of Decision for Amendments to Forest Service and Bureau of Land Management Planning Documents Within the Range of the Northern Spotted Owl (ROD, April 1994)

Final Supplemental Environmental Impact Statement on Management of Habitat for Late-Successional Forest Related Species Within the Range of the Northern Spotted Owl (SEIS, February 1994)

Western Oregon Program-Management of Competing Vegetation Final Environmental Impact Statement (VMFEIS, February 1989) and the *Western Oregon Program-Management of Competing Vegetation Record of Decision (August 1992).*

The Environmental Assessment (EA) is tiered with the aforementioned environmental documents. All of these documents may be reviewed at the Marys Peak Resource Area office.

ENVIRONMENTAL ASSESSMENT AMENDMENT

This document amends the EA for the *Duffy Creek Thinning* by describing the changes in proposed action, affected environment, and environmental consequences.

II. ALTERNATIVES INCLUDING THE PROPOSED ACTION

D. Summary of Alternatives

1. Alternative A: The Proposed Action

All references to unit numbers in this document refer to new Exhibit A map unit numbers, unless otherwise stated. EA Unit 1 has been deferred until the *Record of Decision for the Supplemental Environmental Impact Statement For Amendment to the Survey and Manage, Protection Buffer, and Other Mitigating Measures, Standards, and Guidelines* is signed by the authorized officials. EA Unit 1 will then be evaluated for implementation.

For this change and other changes please refer to the following key to correlate EA unit numbers with the attached Exhibit A map. The key also indicates acreage changes for this implementation.

EA MAP UNIT NO.	Acres	EXHIBIT A MAP UNIT NO.	Acres
Unit 1	39	Deferred	Deferred
Unit 2	65	Unit 4	46
Unit 3	69	Unit 5	58
Unit 4	56	Unit 1	50
Unit 5	10	Unit 2	6
Unit 6	5	Unit 3	4
Unit 4 Spur E	0.5	Unit 1 P2 Spur	0.5
Unit 3 Spur D	0.5	Unit 5 P Spur	0.5
Unit 3 Spur C	0.5	Unit 3 P1 Spur Deleted	0.5

Because of further field measurements, unit traverses and surveys, all proposed units decreased in size. Approximately 86 acres of upland sites would now be commercially thinned. Approximately 79 acres of riparian reserve density management and 1 acre of clearcut for new roads would also be implemented. Approximately 100 acres would be skyline yarded and 68 acres ground-based yarded. The estimated volume to be removed from the sale would be approximately 2,916 CCF (1.68mmbf). Access to Unit 5 has been changed. Spur P1 would not be constructed and that portion of the unit below (east of) the 13-6-17.2 road would be skyline logged instead of ground-based.

a. Project Design Features

ii. Timber Harvest

Skyline and ground-based yarding now accounts for approximately 59 percent and 40 percent of total yarding respectively. Approximately 5 acres of Unit 5, previously identified as skyline yarding would require ground-based yarding due to the creation of new reserves. The reserve makes it impractical to skyline yard a portion of the original unit. Ground-base yarding would meet all of the project design features, including equipment not traversing slopes greater than 35%. Compaction would also remain within the RMP standards and guidelines since the new additional area in skid roads is less than what was analyzed. Approximately 29 acres of Unit 5, previously identified as ground-based yarding would require skyline yarding due to deletion of P1 spur.

Ground-based track-mounted equipment is changed only in regard to shovel equipment, where 50 foot spacings, instead of 60 feet, would be required between roads**.**

Riparian Reserves in the unit would be established to the standards for streams and wetlands outlined in the *RMP* on page 10. No-entry buffers would be to ecological breaks, geologically stable breaks or a minimum of 25 feet from any stream.

iii. Road and Landing Construction, Road Management

The proposed new construction would be reduced from 3,200 feet to approximately 2,740 feet.

The following lists specific road gating or closure:

1.) 13-6-7.2 road will have a metal gate installed and be closed upon completion of sale activities.

2.) 13-6-7.4 road will be barricaded with an earthen berm or root wads upon completion of sale activities.

iv. Survey and Manage and Protection Buffer Species for Plants and Animals

Additional Survey and Manage inventories were completed in accordance with the *Plan Maintenance Documentation: Decision to Delay the Effective date for Surveying 7 "Survey and Manage" and Protection Buffer Species (*March 8, 2000*).* All known sites have been identified and are protected as a project design feature for this action.

Felling, yarding and road building activities in Unit 3 would be restricted from March 1 to June 30 (*Clarification is that this restriction applies to Unit 3 only and the restriction extends through June 30 instead of June 1).*

III. Description of the Affected Environment/Environmental Consequences

Each of the changes described in the above **Alternative A - The Proposed Action** of this decision rationale/amendment do not change the affected environment. The changes have no effect on the scope of this action.

E. Soils

Ground-base yarding would meet all of the project design features, including equipment not traversing slopes greater than 35%. Compaction would also remain within the RMP standards and guidelines since the new additional area in skid roads is less than what was analyzed.

F. Wildlife

All marbled murrelet surveys have been completed. Presence, behavior, or nesting was not observed.

All surveys for red tree vole have been completed and no red tree vole nests were found.

This proposal was submitted for formal consultation with the U.S. Fish and Wildlife Service on August 3, 1998. Consultation was concluded on October 23, 1999. It was found that the sale would not likely jeopardize the continued existence of the spotted owl. This proposal is therefore covered by Biological Opinion #1-7-98-F-361**.**

V. Consultation

The EA was mailed to approximately 34 agencies, individuals, tribes, municipal water providers and organizations on December 17, 1999. A legal notice was placed in the Corvallis Gazette Times on December 27, 1999 soliciting public input on the action until January 17, 2000. Four comment letters and one phone call were received. Respondent No. 1 was supportive and stated that “given the safeguards provided in the timber sale, it is unlikely there would be significant environmental consequences from the activity.” Respondent No. 2 had thirteen specific concerns that were answered on March 13, 2000. Respondent Nos. 3 and 4 had only several comments differing from Respondent No. 2's letter. The phone call was from an individual representing a motorcycle use group that wanted to ensure that access would continue to be available in the project area (copies of correspondence are available in the EA file).

The following summarizes the substantive comments raised in the letters and responses where appropriate.

Respondent No. 2 (received March 13, 2000)

Comment No 1: **There will be less coarse woody debris (CWD) available for riparian structural enhancement as wood produced from thinning is removed from the site.**

The goal of this project in the Riparian reserves would be to accelerate diameter growth of conifers in these stands, thereby increasing the size of future CWD (EA, page 1). The trade-off would be that when the thinned material is yarded, a considerable amount of small-size CWD would be removed from the stand. The reason for removal is forest health. If cut trees remained in the Riparian Reserves, there would be approximately 93 to 223 trees per acre left on the ground, depending on the unit, ranging from 7 inches to 14 inches diameter breast height (DBH).* Large amounts of dead wood would put these stands at risk for catastrophic fire and Douglas-fir bark beetle infestation.

Retention of large amounts of dead wood on the ground would increase the risk of fire as well as the rate of spread and resistance to control the fire if one should occur. The risk of a fire start and rate of spread would be highest during the first 1 to 2 years following cutting (when there is a large amount of fine fuel in a surface and aerial arrangement) and then drop significantly and return back towards the pre-treatment risk levels over the next 10 to 20 years. The resistance to control (determined by the amount and size of fuels) of a fire would remain significantly higher than normal for 15 to 25 years. On average, after about 20 years, this size of material begins to break down rapidly to duffy material which still poses a slightly higher than normal risk of a fire start, as well as the resistance to control and extinguish. Rate of spread in this ground type fuel will be very low compared to when the fuel was in a more loose and open surface / aerial arrangement. A high loading of surface fuels increases the likelihood of fire spreading upward into the canopy and up into snags, further increasing the difficulty of controlling a wildfire. Consequently, desired structural characteristics such as snags and multi-layered canopies which we are attempting to create, would be at a greater risk of loss. It would be irresponsible to expose these stands and those surrounding them, including private land, to an unnecessary risk for no proven benefit.

Douglas-fir bark beetles are attracted to freshly killed Douglas-fir trees over 12 inches DBH. After they emerge the following spring from the dead wood, they attack live trees. For three to four years after an event kills trees, the number of standing green trees infested and killed approaches 60 percent of those killed by the original event (see EA, Appendix B-5). This would correlate to a risk of losing an additional 38 trees per acre (of 102 originally left) in Units 1 and 3, 48 trees per acre (of 59 originally left) in Unit 2, and 24 per acre (of 119 originally left) in Unit 4.* Losing this many additional trees from Riparian Reserves would be contrary to our objectives for these stands.

A further consideration of leaving large numbers of trees on the ground would be its effect on access by large mammals such as deer and elk who would need to travel through Riparian Reserves to reach streams.

* Reference Silvicultural Prescription in EA file.

Comment No. 2: **Ground and soil disturbance will increase disturbance levels above ambient or background levels.**

"Ambient levels" in the majority of the Riparian Reserves include an extensive network of old tractor skid trails where soil compaction has persisted. Soil disturbance levels from this proposal would only be transitory since equipment would be restricted in size, operating season and area of operation. This would include utilizing the old existing skid trails where possible. According to the RMP Best Management Practices in Appendix C-2, the extent of skid trails should be limited to less than 10 percent of the unit. On ground-based units, soil compaction would be less than 6 percent, and even when considering road construction would not exceed 7.5 percent of the total area (EA, p. 19). Ground-based equipment would operate on top of slash, and roots and understory would remain intact and largely undisturbed. In addition, once the stands are thinned there would be no site preparation. Herbaceous vegetation should return the season following harvesting.

As stated in the EA on page 32, short-term micro-climatic changes would be expected to occur, but would vary depending on aspect, slope, vegetation removed, and distance from the stream; the changes would be difficult to quantify. The long-term restored stand structural complexity, accelerated development of desired tree characteristics and accelerated development of desired snag and CWD characteristics would outweigh short term micro climatic effects.

Comment No. 3: **The quality of larger CWD obtained by increasing the rate of bole diameter growth through thinning does not appear to be evaluated. The value of this CWD is decreased**.

The respondent failed to provide any evidence that would show that trees released after thinning provide lower quality CWD, or that a smaller slower grown conifer would decay at a slower rate than a larger faster grown one. Log decay is a complex process involving heartwood/sapwood/inner bark/outer bark ratio, surface area to volume ratio and colonization patterns of decay organisms. To our knowledge, no studies have conclusively shown whether or how these factors work alone or synergistically. We are also not aware of any studies that equate lower wood strength with increased decay rate. It is currently an accepted practice to manage the density of stands to increase the growth rate of remaining trees, both to create stands with larger diameter trees and to increase the size of future snags and down wood.

Comment No. 4: **Thinning to within 25 feet of the stream channel appears to be based primarily on presence of merchantable Douglas-fir. There is no alteration from this pattern, even when edge trees provided direct and significantly the only stream channel shading or where they might quickly provide direct CWD input to the stream channel zone**.

Appendix A-3 of the EA contains the criteria that were used to designate no-cut buffers. Stream shading is one of the criteria on the list, but presence of merchantable Douglas-fir is not. Since this is a thinning, there would be trees remaining to serve as stream shading and future CWD even in the sale area.

Comment No. 5: **The potential presence of fluvial and adfluvial trout populations here, and possibly in Duffy Creek needs to be addressed before moving forward on this sale, and the agencies consulted must be informed that the riparian reserves established for these streams and fish will be altered.**

Adfluvial fish are fish that live in lakes and either migrate to the ocean or migrate into streams to spawn. Therefore, adfluvial fish are not present. Fluvial fish are likely present in lower main stem rivers and spawn in smaller tributaries. The presence of cutthroat trout in Duffy Creek has been established. This population of cutthroat trout is considered a "resident" population. If fluvial cutthroat trout were to migrate to Duffy Creek, impacts would be the same to resident fish as they would be to fluvial fish.

As stated in the EA on page 30, the proposed action would have no measurable adverse impacts to local fish and fish habitat. Habitat and channel conditions are expected to be maintained. Impacts could occur due to small inputs of sediment, but would be short term (a year or less). Skyline yarding in sloped areas (for lift), the small amount (thinning) and size of timber being yarded, in conjunction with stream protection areas and seasonal restrictions (see design features) would keep sediment to a minimal level (EA, page 27). Thinning within the riparian area would enhance stand conditions, growing trees faster than if the stand were to grow naturally. This would increase the potential for large woody debris in the future.

We consulted with U.S. Fish and Wildlife Service (USFWS) and National Marine Fisheries Service (NMFS) on our RMP and received no jeopardy opinions from both agencies. On a project basis, we consulted with the USFWS for spotted owls and marbled murrelets and received a no jeopardy opinion from them. Consultation with National Marine Fisheries Service (NMFS) for this project is not required since there are no listed fish species that would be affected by any of the alternatives (no listed fish in the Marys River watershed, FONSI, pages 4 and 5).

In addition, copies of the EA were sent to Oregon Department of Fish and Wildlife, U.S. Fish and Wildlife Service and National Marine Fisheries Service on December 17, 1999. No comments were received from them on the project.

Comment No. 6: **Known presence of an active spotted owl site should restrict Unit 1 (EA Unit 4) activities within the nesting, foraging, and roosting activities during the breeding season. The loss by stress of this pair further jeopardizes the spotted owl population and the functioning of the Northwest Forest Plan (NFP). The NFP is an administrative remedy towards balancing many resource objectives, it is only temporary and subject to change based on agency implementation and public perception of its intent.**

All noise above ambient forest levels would be restricted within 0.25 mile of the nest tree from March 1 to June 30 unless it can be determined through protocol surveys that the pair is not nesting (this pair did not nest in 1999). The NFP is a long-term plan and the USFWS concluded in its Biological Opinion that the NFP would not lead to jeopardy, and would in fact contribute to the long-term recovery of the owl. Some owl nesting habitat in the matrix land allocation would be lost.

Comment No. 7: **The thinning of Units 2 and 3 (EA Units 5 and 6) for other than timber and revenue production reasons are not evident. Thinning would temporarily decrease diversity and structure.**

The understory Douglas-fir stand in Unit 2 is dense, of low crown ratio, and canopy closure is 80 percent with little conifer seedling development. The thinning of these stands is intended to increase diversity and structure by increasing light intensity and promoting growth and development of vegetation at mid and ground canopy level. A more complex understory of more shrub species would develop as a result. Canopy closure in Unit 3 is less than 70 percent currently, but this is due to *Phellinus weirii* (root rot) openings. Unit 3 has very little class 1 or 2 down logs. The treatment is intended here to increase the amount and availability of large logs for CWD in the future.

Comment No. 8: **If marbled murrelets are detected to be present in any sale units all operations should halt.**

Marbled murrelet surveys have been completed to protocol as stated on page 4 of the EA amendment. Final surveys were completed July 2000. No murrelet activity was noted in the sale area.

Comment No. 9: **Any red tree vole management strategy providing only nest tree protection is inadequate.**

Red tree vole surveys were completed in accordance with the established protocols. Survey and climbing were completed during the winter of 2000. No red tree voles or active nests were found.

Comment No. 10: **In Unit 3 (EA Unit 6), flagging indicated the presence of an *Otidea* species. A buffer should be demarcated for this protection buffer species before the sale is advertised.**

Several *Otidea* locations were found throughout these proposed units. Although the genus *Otidea* is easily recognized in the field, spore measurements must be made for accurate species determination. Once a site is located it is flagged, mapped and a collection is made and spores measured for verification. Three species of *Otidea spp.* have been found to be common in the coast range; *O. concinna, O. toumikouski* and *O. onotica*. All *Otidea onotica* sites would be protected from ground disturbance. This species would also be managed by excluding several known sites from the proposed thinning area. In fact, proposed EA Unit # 1, approximately 68 acres, would be deferred due to the presence of *Otidea onotica*.

The *Otidea onotica* known sites have been marked for protection in accordance with established management recommendations.

To date, this particular species has 60 known sites in the Marys Peak Resource Area and has been collected frequently in the Cascades Resource Area, Salem District and the Coast Range Resource Area in the Eugene District. It is anticipated that this species shall be removed from the

survey and manage species list in the future, due to the numerous collections and its early to mid-seral habitats. The remaining species of *Otidea spp.* on the survey and manage list are indeed uncommon or rare, but were not located on this proposed sale.

Comment No. 11: **There appears to be a deliberate and not incidental direction towards minimizing special status species and habitat conditions that might support them into the foreseeable future on matrix allocation lands.**

No special status plant, bryophyte, lichen or fungi species were found in or are known to exist in the project area. Several special attention species have been found. Approximately 6 acres in Unit 4 (EA Unit 1), just north of the 13-6-17.1 road are to be eliminated from the sale. This area was dropped in its entirety since it had several *Otidea spp.* sites. As mentioned in an earlier response 68 acres (EA Unit 1) may be deferred from this proposal specifically to provide management for *Otidea onotica*.

Under the RMP one of the primary management objectives in matrix lands is to produce a sustainable supply of timber and other forest commodities to provide jobs and contribute to community stability. Consultation with USFWS on the plan and management in the matrix resulted in a no jeopardy opinion for the spotted owl.

Comment No. 12: **The map indicates a riparian reserve stream crossing in the north portion of EA Unit 1 as having road reconstruction across it. This road experienced a partial or total culvert failure in the past. It has since been rebuilt with a new culvert installed. The EA indicates that road reconstruction and new construction across riparian reserves will be removed after the thinning project is complete. Is there some inaccuracy here?**

We agree, for alternative A, the map and appendix A-4, page A-10 should have indicated approximately 1000 feet of proposed road renovation for the 13-6-15 road. The new culvert was installed to allow continued public motorcycle access on an established trail system to public and private lands. Under alternative A, no new or reconstructed road would be removed after completion of the thinning. Road renovation on existing roads that cross riparian reserves are not a new action. Hauling off of this 13-6-15 road would be to the south, eventually going out the Beaver Creek Road, 13-6-21.

Alternatives B and C, would require road spurs B and A respectively, to be removed upon completion of thinning.

Comment No. 13: **A landing some distance off the road is proposed at the head of a smaller riparian reserve in EA Unit 2. If this is not a mapping error, its location should be changed. A landing in the southwest corner of EA Unit 2 would apparently serve for an area across a riparian reserve. This is contrary to statements elsewhere in your EA that yarding across riparian reserves would not occur.**

No yarding or skidding of logs would be done in or across the no cut stream buffers, as opposed to Riparian reserves which will be thinned and yarded. Skyline yarding and some ground-based skidding, with appropriate mitigation, would be done to facilitate the removal of merchantable

timber. Your observation regarding the landing at the head of a no cut stream buffer is accurate. Landings would be located to minimize or avoid impacts to stream channels.

Respondent No. 3 (received January 24, 2000)

Comment No. 1: **Thinning into EA units 4, 5 and 6 will impact this drainage significant Northern Spotted Owl pair which currently find habitat conditions favorable for reproduction.**

(see respondent no.2, comment no. 6)

Comment No. 2: **No place in the EA or associated documents are plus trees defined and five are noted in section 7. Provide clarification as to cartographic features listed in the EA and additional support documents.**

"Plus" trees are selected, genetically superior trees that are specially valued as a component of the Bureau tree improvement program. After further record search and field verification it was determined that there is only one "plus" tree in the sale area. It would be protected and is located as shown on the attached Exhibit A.

Comment No.3: **How will thinning protect the NSO?**

(see respondent no. 2, comment no.6)

Comment No.4: **Upslope riparian overhanging canopy not included within the marked buffer provides shading to the stream, thinning from outside the marked buffer will reduce this overhanging canopy coverage and increase solar heating in riparian areas.**

(see respondent no. 2, comment no. 4)

Comment No.5: **Guidelines for bark beetle are listed in appendix B-5 but I see no information in the EA regarding beetle issues. Are beetle infestations a problem?**

Page 32 of the EA addresses short term risk of Douglas-fir bark beetle infestation in healthy standing trees due to unyarded cut trees, windthrow and logging damage to residual trees. These risks can be minimized by using established guidelines for scheduling, felling and species manipulation (see EA appendix B-5).

Comment No. 6: **How will Western Red Cedar be treated as they are not shown on the map as being included in EA Unit 2 and abutting the riparian buffer to the south?**

Project design features in the EA on page 6 states that except for road right-of-ways, all western red cedar would be reserved in all units.

Comment No.7: **I note that alternative B and C are for one unit only. Why don't the other units have alternative options provided for the reviewing public?**

Alternative actions should meet the stated purpose and need for action, which is to "provide a supply of timber and other forest products that would help maintain the stability of the local and regional economies" and "to provide for retention of important ecological components within the forest management area".

The range of alternatives for the Duffy Creek Commercial Thinning was appropriate to meet the purpose and need. The EA did include four alternatives: Alternative A, the Proposed Action, Alternatives B, and C, and Alternative 4, the No Action alternative. The EA also included "Alternatives Considered But Eliminated" which included up to 61 additional acres of treatment that was rejected because of conflict with the objectives.

The range of alternatives is appropriate given the scope and context of the project, and the decisions already made in the *Salem District RMP*, to which the EA is tiered. The *Salem District FEIS* analyzed a wide range of alternatives and resulted in decisions to allocate lands to certain uses and to manage these allocations in a certain way. An explicit goal of the two plans was to balance the natural, economic, and social values produced by public lands. We believe this goal was and is being achieved.

Comment No.8: **Will the winter 2000 red tree vole survey work be done before thinning?**

As stated in the EA Amendment, Page 4, all red tree vole survey work has been completed in accordance with current established protocols..

Respondent No. 4 (received January 17, 2000)

Comment No. 1: **Since the Duffy Creek sale will neither maintain or restore water quality, this project violates the Aquatic Conservation Strategy objectives. *Salem Resource Management Plan [RMP], 6.* Management actions that do not maintain the existing condition or lead to improved conditions in the long term do meet the intent of the ACS and should not be implemented.**

Measurable effects to stream flow, channel conditions, and water quality due to this proposed action are unlikely. Appendix B-2 of the EA includes a Review Summary of the Aquatic Conservation Strategy Objectives. This review explains and rates attainment of the various objectives. For each objective, the project meets or exceeds the requirements.

Comment No. 2: **The concept of "speeding up" the attainment of late successional characteristics is not present in either the Northwest Forest Plan ROD or the Salem District RMP. "Speeding up" forest development comes at an ecological cost of all of the negative environmental impacts associated with road construction, yarding corridor construction, logging and hauling.**

As stated on page 31 of the EA, "Accelerated development of desired tree characteristics: Residual trees would increase in diameter and crown depth/width. Limb diameter on large limby trees would be maintained by releasing those trees to an open grown condition. The long-term results of density management would be larger average DBH, and larger crowns (higher crown

ratios) at any given age, compared to the no treatment option. As the table in Appendix B-4 indicates, diameters 40 years in the future in the treated stands would range from 10% to 25% larger, and crown ratios would range from 9% to 33% higher.

These goals were identified and discussed in the purpose and need section on page 1 of the EA where it states, "large woody debris potential is currently low because the Riparian Reserves lack stands older than 80 years. It is necessary to leave or provide for most of the hard snags and down wood as green trees in order to provide for large CWD over the life of the stand and emphasize long-term treatment prescriptions to achieve CWD". The density management of approximately 80 acres of Riparian Reserves in Units 1 through 5 would be implemented to meet those goals and also to enhance the growth of trees in the riparian reserve.

Comment No. 3: **As the Marys River is already 303(d) listed for high summer temperature, any increase in this would violate the ACSOs.**

Most of the stream channels in the project area do not flow in the summer so increases in stream temperature are unlikely (see page 27 of the EA). Also, for the protection of stream channels and aquatic resources, no entry, no thin reserves were applied to all stream channels in the project area. These reserves were determined in the field by BLM specialists following a protocol developed by the Marys Peak Resource Area hydrologist, biologists and riparian ecologist (see EA appendix A-3).

Comment No. 4: **The Duffy Creek EA does not present an adequate range of alternatives as required by NEPA.**

(see respondent no. 3, comment no. 7)

Comment No. 5: **The FONSI wrongly states that there are no threatened or endangered species in the area. In addition, the EA does not comply with the management requirement to retain 100 acres of the best northern spotted owl habitat as close as possible to a nest site or owl activity center for all known spotted owl activity centers. RMP, 22**

The statement in the FONSI implied project area, and no threatened or endangered species had been observed. As stated on page 34 of the EA, an active northern spotted owl site does exist in the extreme northwest corner of Section 7, approximately 1/4 mile from the nearest proposed sale unit. The RMP is clear in action and direction with the citation on page 22 of the RMP. The site in question was discovered after January 1, 1994 and the direction applies to all sites discovered as of January 1, 1994. Also, as referenced in comment no. 6 to respondent No. 2, the NFP is a long-term plan and the USFWS concluded in its Biological Opinion that the NFP would not lead to jeopardy, and would in fact contribute to the long-term recovery of the owl. Note that mitigating measures would be implemented as standard project design features to minimize disturbance to the site.

Comment No. 6: **An EIS must be prepared in order for the proposed sale to be consistent with NEPA.**

The Duffy Creek Commercial Thinning project would not significantly impact the human environment. Further, based on the site-specific environmental analysis documented in the environmental assessment, it is determined that this project is not a major federal action and that it will have no significant effects on the quality of the human environment. Therefore an environmental impact statement will not be prepared. The word "significantly," as used in planning processes subject to the National Environmental Protection Act (NEPA), requires consideration of context and intensity, and is defined in 40 CFR 1508.27. The criteria which were selected from the definition and used as part of the comments included no supporting information; no additional reason was provided to show the analysis as inadequate. The EA provided sufficient information to make the determination that a new SEIS or supplement to the *Salem District Proposed RMP/Final Environmental Impact Statement* (September1995) is unnecessary.

Prepared by: Roy S. Mujah Date: 09/27/00

June 26, 2000

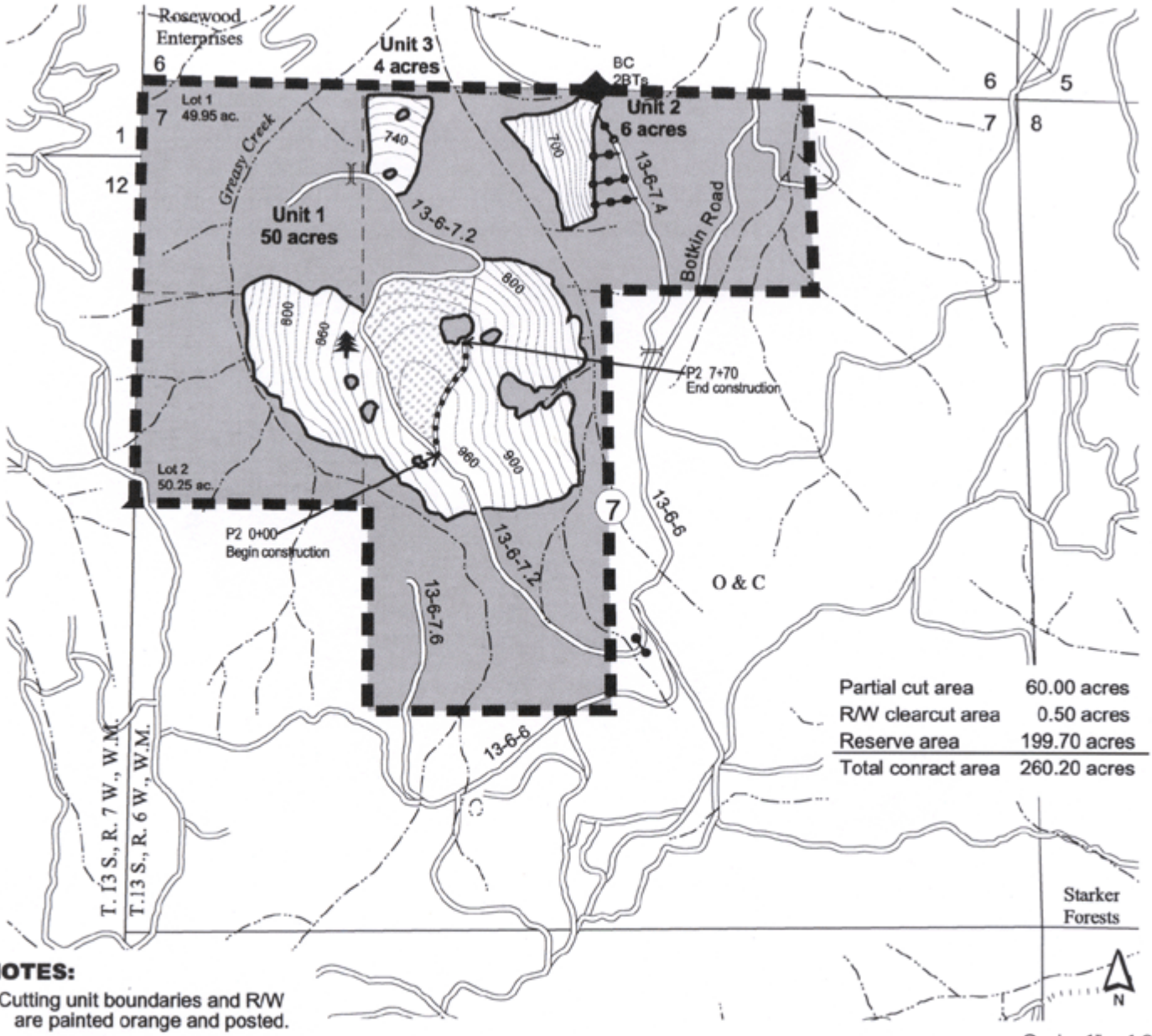
United States Departement of the Interior
BUREAU OF LAND MANAGEMENT

Tract No. 00-304
Duffy Creek

TIMBER SALE CONTRACT MAP CONTRACT NO. OR080-TS00-304

T. 13 S., R. 6 W., Sections 7 and 17, W. M. - SALEM DISTRICT - OREGON

EXHIBIT A



Partial cut area	60.00 acres
R/W clearcut area	0.50 acres
Reserve area	199.70 acres
Total conract area	260.20 acres

NOTES:

Cutting unit boundaries and R/W are painted orange and posted.

Unit acres do not include existing or new roads.

Scale: 1" = 1,000'
Contour interval: 20 ft.

LEGEND

- Existing Road
- New Construction
- Approximate location of skyline yarding corridors
- Streams
- Boundary - cutting area
- Boundary - contract area
- Partial cut - ground based yarding
- Partial cut - skyline yarding
- Reserve area
- Approximate location of seed tree to be protected
- Corner found
- Gate to be installed
- Barrier to be installed

July 19, 2000

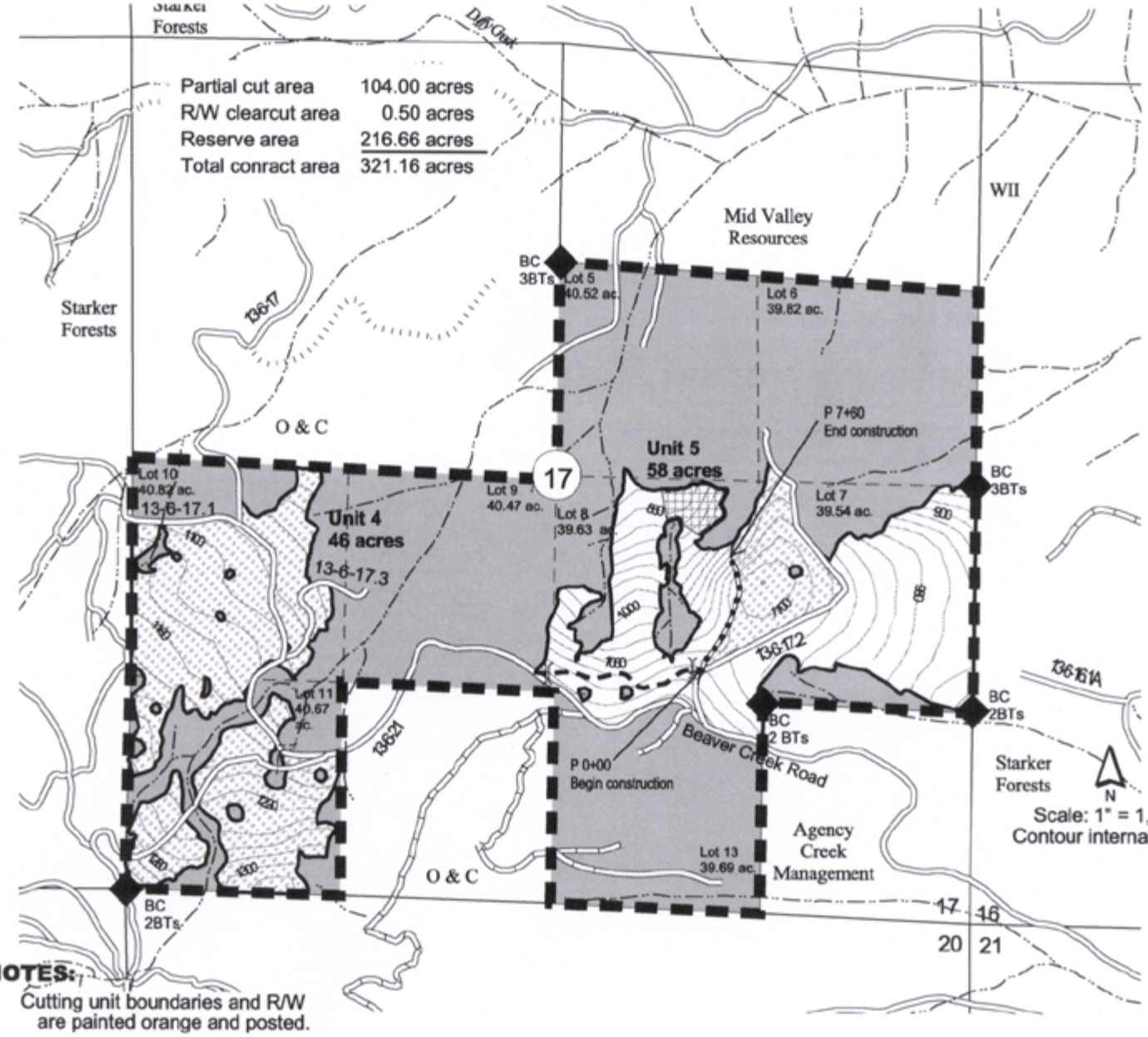
Tract No. 00-304
Duffy Creek

United States Departement of the Interior
BUREAU OF LAND MANAGEMENT

TIMBER SALE CONTRACT MAP CONTRACT NO. OR080-TS00-304

T. 13 S., R. 6 W., Section 7 & 17, W. M. - SALEM DISTRICT - OREGON

EXHIBIT A
Page 2 of 2



NOTES:

Cutting unit boundaries and R/W are painted orange and posted.

Unit acres do not include existing or new roads.

LEGEND

- Existing Road
- Dirt or Jeep Road
- Overgrown or Impassable Road
- New Construction
- Dirt swing access road to be barricaded
- Barrier to be installed
- Streams
- Partial cut - ground based yarding area
- Partial cut - skyline yarding area
- Partial cut - skyline swing area
- Reserve area
- Boundary - cutting area
- Boundary - contract area
- Corner found

DECISION RATIONALE

My decision is to do the following:

Implement the proposed action as described in analyzed in the *Duffy Creek Thinning Environmental Assessment* (EA No. OR-080-1999-10) with the changes described in the attached EA amendment.

Defer harvest on EA Unit 1 until the *Record of Decision for the Supplemental Environmental Impact Statement For Amendment to the Survey and Manage, Protection Buffer, and Other Mitigating Measures, Standards, and Guidelines* is signed by the authorized officials.

Implement the proposed action as amended to ground-base yard approximately 5 acres in Unit 5, previously identified as skyline yard.

Implement the proposed action as amended to skyline yard approximately 29 acres in Unit 5, previously identified as ground-base yard.

Based on the information in the Environmental Assessment and the EA Amendment for the Duffy Creek Thinning, it is my determination that the new information does not change my original Finding of No Significant Impact Determination dated December 16, 1999. Impacts to the environment would not be significantly more than those disclosed in the original EA. Since the Finding of No Significant Impact Determination is still valid, a new EIS or supplement to the existing EIS is unnecessary and will not be prepared. Alternatives B, C, and D were not selected for the following reasons:

Rationale

EA Unit #1, analyzed in the *Duffy Creek Thinning* EA No. OR-080-99-10, will be deferred because of the abundance of Survey and Manage fungi species throughout this unit. The species present *(Otidea onotica*), is much more prolific than originally thought and hence may be removed as a category 2 species in the ROD for the SEIS.

Five acres in Unit 5 will be ground-based to facilitate removal of thinned material.

Twenty nine acres in Unit 5 will be skyline logged to facilitate removal of thinned material.

Alternative B was not selected due to increased logging costs and road building costs combined with an additional 1,200 feet of new construction.

Alternative C was not selected because new road construction across an identified riparian reserve created only marginal benefits to Aquatic Conservation Strategy Objectives.

Alternative D was not selected because the no action alternative would not meet the objectives outlined in the purpose and need which would “provide a supply of timber and other forest products that would help maintain the stability of local and regional economies” and “provide for

retention of important ecological components within the forest management area". No action would also not provide the opportunity to reduce overstocking, moderate tree species diversity, and improve the coarse woody debris conditions in the area.

F. Protest/Appeal Process

My decision regarding this proposed action will be published in the Corvallis Gazette Times on or before Friday, August 04, 2000. In accordance with Forest Management Regulations contained in 43 CFR subpart 5003, a protest of this decision may be made within 15 days of publication (i.e., close of business, on or before August 21, 2000). Protests must be addressed to the Marys Peak Field Manager and can be mailed to Bureau of Land Management, 1717 Fabry Road S.E., Salem, Oregon 97306. Upon receiving a timely protest, I will reconsider my decision in light of the statement of reasons for the protest and other pertinent information.

John P. Bacho

John Bacho
Marys Peak Field Manager

August 2, 2000

Date